



PROFESSIONAL ENGINEERS



IN CALIFORNIA GOVERNMENT

PECG challenge to Gov. Gavin Newsom's Return to Office Order results in official complaint

The Newsom Administration has 20 days to respond, then will meet with Professional Engineers in California Government later in May for settlement talks.

Professional Engineers in California Government (PECG) announced this morning that its legal opposition to Gov. Gavin Newsom's return-to-office executive order has resulted in an official complaint by the Public Employment Relations Board (PERB) against the Administration alleging the violation of the collective bargaining rights of PECG and PECG-represented state engineers and related professionals.

One day after Newsom issued the order on March 3, PECG was the first union to file an Unfair Practice Charge (UPC) with PERB, which administers the state public-employee collective-bargaining laws. The UPC contended the Governor's mandate that state employees work four days per week in-office starting July 1 violates the Dills Act (the law governing state employees' collective bargaining rights), PECG's labor contract, and statewide policy that authorizes telework "to the fullest extent possible."

PERB filed its complaint on Thursday afternoon, alleging that the Governor's Office "failed and refused to meet and confer in good faith in violation of" the Dills Act by "chang[ing] the telework policy... and announc[ing] a new telework policy... [via] Executive Order N-22-25... without having afforded [PECG] an opportunity to meet and confer over the decision to implement the change in policy and/or the effects of the change in policy."

Furthermore, according to the complaint, the Administration's "conduct also interfered with the rights of bargaining unit employees to be represented by [PECG]" and denied PECG "its right to represent bargaining unit employees..." as required by the Dills Act.

"We have been leading this fight from the beginning," said PECG Executive Director Ted Toppin, "but we would welcome the opportunity to have a real discussion about the many benefits of telework flexibility with this Administration. Telework absolutely supports the Administration's objectives to cut state government costs, reduce carbon emission to address climate change, and ease congestion on our roadways."

The state has 20 calendar days to file its answer to the complaint. PERB also scheduled a conference for May 27, where the parties will attempt to settle the claims in the complaint. If that fails, PERB will schedule a formal hearing before an administrative law judge who will hear arguments and issue a ruling.

Until there is a settlement or a judge's decision, Newsom's order remains in effect.

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Founded in 1962, Professional Engineers in California Government represents 15,000 state-employed engineers and related professionals responsible for designing and inspecting California's infrastructure, improving air and water quality, and developing clean energy and green technology.